

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

WILLIAM S. McDEW

Criminal Information

No. 1:20-CR-411-AT-AJB

**SENTENCING INFORMATION ESTABLISHING PRIOR
CONVICTION PURSUANT TO 21 U.S.C. § 851**

The United States of America, pursuant to the provisions of Title 21, United States Code, Section 851, alleges and charges that the defendant, William S. McDew – indicted in this case for violating Title 21, United States Code, Section 841(a)(1) – has previously been convicted of a serious drug felony as follows:

Before the defendant, William S. McDew, committed the offense charged in this case, he had been convicted on or about June 18, 2002, in the Superior Court of Cobb County, Georgia, Indictment No. 01-9-4584-42, of two counts of the offense of selling and delivering cocaine in violation of the Georgia Controlled Substances Act, on March 14, 2001 (Count 1) and March 20, 2001 (Count 2). As a result of each of these convictions, the defendant served a term of imprisonment of more than 12 months, and the defendant's release from each of those terms of imprisonment was within 15 years of the commencement of the instant offense. Copies of the Charging Document (Exhibit A) and the Sentences (Exhibit B) are attached hereto.

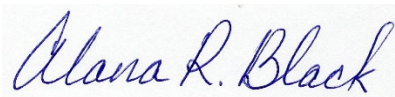
These prior convictions are alleged and will be relied upon by the United States of America for the purpose of invoking the enhanced punishment

provisions of Title 21, United States Code, Section 841(b)(1)(B)(viii) as to any sentence imposed upon the defendant upon his conviction of the charges contained in the present case.

The Government hereby reserves the right to amend this information as may be necessary.

This 17th day of February, 2022.

KURT R. ERSKINE
United States Attorney



ALANA R. BLACK
Assistant United States Attorney
Georgia Bar No. 785045

600 U.S. Courthouse
75 Ted Turner Drive SW
Atlanta, GA 30303
404-581-6000; Fax: 404-581-6181

Exhibit A

MCS

014584

TRUB BILL
OCT 18, 2001

Grand Jury Bailiff

JAY C. STEPHENSON, Clerk, S. C.

PATRICK H. HEAD, District Attorney

The Defendant herein waives copy of indictment, list of witnesses, formal arraignment and pleads _____ Guilty.

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COURT COUNTY GA.
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JC Stephens 75

JC Stephens
Jury C. Stephens
Clerk of Superior Court Cobb Cty. Ga.

THIS 6 DAY OF June 1985
[Signature]
 DEPUTY CLERK COBB COUNTY COURT
 COBB COUNTY, GEORGIA

STATE OF GEORGIA, COUNTY OF COBB
IN THE SUPERIOR COURT OF SAID COUNTY

THE GRAND JURORS selected, chosen and sworn for the County of Cobb, to wit:

Timothy Fredrick Rodgers-Foreperson	Kim Enid Fontenot
Richard J. Thaxton, II-Asst. Foreperson	Ellen D. Hodgkin
Kenneth A. Newkirk-Secretary	Tiffany Sue Clark
Aubrey A. Johnson	Nancy C. Spetnagel
David O. Blassingame	Byron Patrick Balint
Gayle M. Hunton	Alan I. Klevens
Annette Bleecker Pearson	Alan David Hooper
Eleanor M. McGuire	Steven Edward Harris
Nancy K. Levy	Robert Daniel Davenport
Paula Casorio Ryan	Brian Lee Clark
Dawn Ellen Workinger	Leona Michell Peabody
Julia A. Mitchell-Atl #1	Edward T. Bly
Amanda Michelle Culver-Alt #2	

in the name and behalf of the citizens of Georgia, charge and accuse **WILLIAM MCDEW** with the offense of **VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCES ACT** for that the said accused, in the County of Cobb and State of Georgia, on the 14TH day of MARCH, 2001, did knowingly and unlawfully sell and deliver a controlled substance, to wit: Cocaine, in violation of the Georgia Controlled Substances Act; the cocaine herein not being the same cocaine as in any other count in this indictment; contrary to the laws of said state, the good order, peace and dignity thereof.

COUNT TWO

and the Grand Jurors, aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **WILLIAM MCDEW** with the offense of **VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCES ACT** for that the said accused, in the County of Cobb and State of Georgia, on the 20TH day of **MARCH, 2001**, did knowingly and unlawfully sell and deliver a controlled substance, to wit: **Cocaine**, in violation of the Georgia Controlled Substances Act; the cocaine herein not being the same cocaine as in any other count in this indictment; contrary to the laws of said state, the good order, peace and dignity thereof.

COUNT THREE

and the Grand Jurors, aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **WILLIAM MCDEW** with the offense of **OBSTRUCTION OF OFFICER** for that the said accused, in the County of Cobb and State of Georgia, on the 20TH day of **MARCH, 2001**, did knowingly and willfully resist, obstruct, and oppose **Agent J. A. Darin**, a law enforcement officer in the lawful discharge of his official duties by offering and doing violence to the person of said officer; contrary to the laws of said state, the good order, peace and dignity thereof.

PATRICK H. HEAD, District Attorney 

Exhibit B

IN THE SUPERIOR COURT OF COBB COUNTY, GEORGIA

Filed in Office Jun-19-2002 01:52pm
COBB COUNTY GA.
ID# 2002-0069157-CR
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CRIMINAL ACTION NO. 01-9-4584-42
WARRANT NO. 01 W 3080

The State

VS

William McDew

Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

OFFENSE(S)
① VOCSA ② VOCSA
③ Obstruction of Police Officer

☒ PLEA ☐ NON-JURY ☐ JURY ☐ VERDICT
☐ NEGOTIATED NON-NEG ☐ GUILTY ON COUNT(S) 1, 2, 3 ☐ NOLO CONTENDERE ON COUNT(S) 1, 2, 3 ☐ TO LESSER INCLUDED ON COUNT(S) 1, 2, 3
☐ GUILTY ON COUNT(S) 1, 2, 3 ☐ NOT GUILTY ON COUNT(S) 1, 2, 3 ☐ GUILTY OF LESSER INCLUDED
☐ OTHER DISPOSITION
☐ NOLLE PROSEQUI ORDER ON COUNT(S) 1, 2, 3
☐ DEAD DOCKET ORDER ON COUNT(S) 1, 2, 3
☐ MERGED COUNT(S) 1, 2, 3

OFFENSE(S) ON COUNT(S) 1, 2, 3

☒ FELONY SENTENCE

☐ MISDEMEANOR SENTENCE

WHEREAS, the above-named defendant has been found guilty of the above-stated offense, WHEREUPON, it is ordered and adjudged by the Court that the said defendant hereby sentenced to confinement for a period of twenty (20) years

In the State Penal System or such other institution as the Commission of the State Department of Corrections or Court may direct, to be computed as provided by law, HOWEVER, it is further ordered by the Court

1) THAT the above sentence may be served on probation
2) THAT upon service of ten (10) years of the above sentence, the remainder of ten (10) years may be served on probation
PROVIDED that the said defendant complies with the following general and other conditions herein imposed by the Court as part of this sentence.

☒ GENERAL AND/OR OTHER CONDITIONS OF PROBATION

PURSUANT TO O.C.G.A.
§17-10-7(c)

- 1) Do not violate the criminal laws of any governmental unit.
- 2) Avoid injurious and vicious habits-especially alcoholic consumption/intoxication and narcotics and other dangerous drugs unless prescribed lawfully.
- 3) Avoid persons or places of disreputable or harmful character.
- 4) Report to the Probation-Parole Supervisor as directed and permit such Supervisor to visit him (her) at home or elsewhere.
- 5) Work faithfully at suitable employment insofar as may be possible.
- 6) Do not change his (her) present place of abode, move outside the jurisdiction of the Court, or leave the State for any period of time without prior permission of the Probation Supervisor.
- 7) Support his (her) dependants to the best of his (her) ability.

10% Jail Surcharge pursuant to O.C.G.A. 15-21-93
Per month Probation Fee not to exceed 60 payments
Probation Surcharge pursuant to O.C.G.A. 42-8-34
Drug Surcharge 50% pursuant to O.C.G.A. 15-21-100
Victim Witness Surcharge 5% pursuant to O.C.G.A. 15-21-131
DUI Surcharge pursuant to O.C.G.A. 15-21-110

IT IS FURTHER ORDERED that the defendant pay a fine in the amount of \$50 plus \$50 or 10%, whichever is less pursuant to O.C.G.A. 15-21-70, and pay victim restitution in the amount of \$50 and restitution to the Cobb General Fund for costs for court Appointed Attorney in the amount not to exceed \$50
Defendant is to pay all fines, penalty (O.C.G.A. 15-21-70) and restitution as a condition of probation at the rate of \$ 50 per month beginning June 18, 2002 days from June 18, 2002

SEE ADDENDUM "A" FOR SPECIAL CONDITIONS OF PROBATION

IT IS THE FURTHER ORDER of the Court, and the defendant is hereby advised that the Court may, at any time, revoke any conditions of this probation and/or discharge the defendant from probation. The probationer shall be subject to arrest for violation of any condition of probation herein granted. If such probation is revoked, the Court may order the execution of the sentence which was originally imposed or any portion thereof in the manner provided by law after deducting therefrom the amount of time the defendant has served on probation.

The defendant was represented by the Honorable Lawrence Diamond Attorney at Law by Kait County, by (Employment) (Appointment)

Reported By: Alison Jordan By the Court COBB JUDICIAL CIRCUIT 20

So ordered this 18 day of June, 2002
ASSISTING SUPERIOR COURT JUDGE
PER O.C.G.A. 15-1-9.1

William McDew
Defendant

Lawrence E. Diamond
Defendant's Attorney

Judge, Cobb Superior Court

Assistant District Attorney

ID# 2011-0035996-CR
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Original - Clerk
Duplicate - District Attorney
Triplicate - Probation Officer
Quadruplicate - Jail
Filed in Open Court, this 18 day of June 2002
Term, 2002
Jury Clerk

IN THE SUPERIOR COURT OF COBB COUNTY, GEORGIA

Filed in Office Jun-19-2002 01:52pm
COBB COUNTY GA.
ID# 2002-0069158-CR
Page 1

CRIMINAL ACTION NO. 01-9-4584-42
WARRANT NO. 01 W 3080

The State

VS

William McDew

J.C. Stephenson
Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

OFFENSE(S)

(1) V6CBA (2) V6CSA
(3) Obstruction of Police Officer

☒ PLEA ☐ NON-JURY ☐ JURY ☐ VERDICT
☐ NEGOTIATED NON-NEG credit. ☐ GUILTY ON COUNT(S) 2 ☐ OTHER DISPOSITION
☒ GUILTY ON COUNT(S) 2 ☐ NOLO CONTENDERE ON COUNT(S) for time served ☐ NOT GUILTY ON COUNT(S) for time served
☐ TO LESSER INCLUDED ☐ GUILTY OF LESSER INCLUDED ☐ MERGED COUNT(S) for time served

ON COUNT(S) _____

OFFENSE(S) _____

☒ FELONY SENTENCE

☐ MISDEMEANOR SENTENCE

WHEREAS, the above-named defendant has been found guilty of the above-stated offense, WHEREUPON, it is ordered and adjudged by the Court that the said defendant hereby sentenced to confinement for a period of twenty (20) years. (1st 2 to be consecutive to count 1)

in the State Penal System or such other institution as the Commission of the State Department of Corrections or Court may direct, to be computed as provided by law, HOWEVER, it is further ordered by the Court

☒ 1) THAT the above sentence may be served on probation. Probation to be suspended
☐ 2) THAT upon service of _____ of the above sentence, the remainder of _____ may be served on probation
PROVIDED that the said defendant complies with the following general and other conditions herein imposed by the Court as part of this sentence.

☒ GENERAL AND/OR OTHER CONDITIONS OF PROBATION

- 1) Do not violate the criminal laws of any governmental unit.
- 2) Avoid injurious and vicious habits-especially alcoholic consumption/intoxication and narcotics and other dangerous drugs unless prescribed lawfully.
- 3) Avoid persons or places of disreputable or harmful character.
- 4) Report to the Probation-Parole Supervisor as directed and permit such Supervisor to visit him (her) at home or elsewhere.
- 5) Work faithfully at suitable employment insofar as may be possible.
- 6) Do not change his (her) present place of abode, move outside the jurisdiction of the Court, or leave the State for any period of time without prior permission of the Probation Supervisor.
- 7) Support his (her) dependants to the best of his (her) ability.

23.00 10% Jail Surcharge pursuant to O.C.G.A. 15-21-93
50.00 Per month Probation Fee not to exceed 60 payments
50.00 Probation Surcharge pursuant to O.C.G.A. 42-8-34

 Drug Surcharge 50% pursuant to O.C.G.A. 15-21-100
 Victim Witness Surcharge 5% pursuant to O.C.G.A. 15-21-131
 DUI Surcharge pursuant to O.C.G.A. 15-21-110

IT IS FURTHER ORDERED that the defendant pay a fine in the amount of _____ plus \$50 or 10%, whichever is less pursuant to O.C.G.A. 15-21-70, and pay victim restitution in the amount of _____ and restitution to the Cobb General Fund for costs for court Appointed Attorney in the amount not to exceed \$1500.00
Defendant is to pay all fines, penalty (O.C.G.A. 15-21-70) and restitution as a condition of probation at the rate of \$ 50.00 per month beginning 90 days from release

SEE ADDENDUM "A" FOR SPECIAL CONDITIONS OF PROBATION

IT IS THE FURTHER ORDER of the Court, and the defendant is hereby advised that the Court may, at any time, revoke any conditions of this probation and/or discharge the defendant from probation. The probationer shall be subject to arrest for violation of any condition of probation herein granted. If such probation is revoked, the Court may order the execution of the sentence which was originally imposed or any portion thereof in the manner provided by law after deducting therefrom the amount of time the defendant has served on probation.

The defendant was represented by the Honorable Lawrence Diamond Attorney at Law, Dekalb County, by (Employment) (Appointment)

Reported By: Atison Jordan

By the Court

COBB JUDICIAL CIRCUIT
ASSISTING SUPERIOR COURT JUDGE
PER O.C.G.A. 15-1-9.1

So ordered this 18 day of June, 20 02

x William McDew
Defendant

Lawrence E. Diamond
Defendant's Attorney

Judge, Cobb Superior Court

Assistant District Attorney

Original - Clerk
Duplicate - District Attorney
Triplicate - Probation Officer
Quadruplicate - Jail

Term 20 02 day of June
20 02 day of June
Filed in Open Court, this 18 day of June, 20 02

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Certificate of Service

The United States Attorney's Office served this document today by filing it via the ECF system, which results in electronic service on defense counsel:

Paul Cognac

February 17, 2022

/s/ Alana R. Black

ALANA R. BLACK

Assistant United States Attorney